

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DIJULIA DIBRA

Plaintiff

Vs.

BOBBY JOE BILLINGS and
SCHNEIDER NATIONAL CARRIERS, INC.

Defendants

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NOTICE OF REMOVAL

Defendants BOBBY JOE BILLINGS and SCHNEIDER NATIONAL CARRIERS, INC., through their attorneys DOWD & DOWD, LTD., file notice of removal of this state court civil action, originally identified as *Dijulia Dibra v. Bobby Joe Billings and Schneider National Carriers, Inc.*, 09L-2715, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C.A. § 1332(a), 1441(a), and 1446. defendants state as follows in support of their notice of removal.

1. Plaintiff James Powers filed a complaint at law in the Circuit Court of Cook County on March 6, 2009. A copy of plaintiff's original complaint is attached as Exhibit A.
2. Plaintiff alleged in her complaint that she suffered personal injury as a result of the negligence of the defendants.
3. Plaintiff obtained service on defendant Billings on March 23, 2009 through the Illinois Secretary of State.
4. Plaintiff obtained service on defendant Schneider National Carriers, Inc. on March 16, 2009.

5. Plaintiff's complaint did not state an amount sought sufficient to meet the jurisdictional amount of \$75,000 as required by 28 U.S.C. § 1332. As is standard in cases filed before the Circuit Court of Cook County, an Illinois Supreme Court Rule 222 Affidavit states that Plaintiff seeks an amount in excess of \$50,000.
6. Plaintiff's complaint did not provide sufficient information for Defendants to determine Plaintiff's state of citizenship.
7. To determine if this case met the requirements for federal diversity jurisdiction, Defendants served Plaintiff with requests for admissions of fact pursuant to Illinois Supreme Court Rule 216. A copy is attached as exhibit B.
8. Plaintiff filed her response to the requests for admissions of fact on May 18, 2009. A copy is attached as exhibit C.
9. Plaintiff admitted that she is a citizen of Illinois.
10. Plaintiff stated that she lacked sufficient information to determine whether she would seek an amount in excess of \$75,000 at trial.
11. Schneider National Carriers, Inc. is a Nevada corporation with its principal place of business in Green Bay, Wisconsin.
12. Defendant Billings is now, and was at the time of the occurrence, a citizen of the state of Oklahoma.
13. Plaintiff answered Defendants' interrogatories on October 2, 2009. A copy is attached as exhibit D.
14. In response to interrogatory number seven, Plaintiff claimed lost wages in the amount of \$32,552.00 through October 2, 2009. She has not returned to work and will presumably continue to claim lost wages.

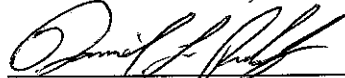
15. In exhibit A to her interrogatory answers, Plaintiff disclosed medical bills totaling \$50,465.85.
16. Total economic losses are \$83,017.85.
17. Based on the foregoing, this court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C.A. § 1332(a) because this is a civil action in which the amount in controversy exceeds \$75,000.00 and all parties are citizens of different states.
18. Both defendants have agreed to join in the removal of this cause from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois, Eastern Division.

Defendants BOBBY JOE BILLINGS and SCHNEIDER NATIONAL CARRIERS, INC. respectfully request that this Court accept their notice of removal.

Respectfully Submitted,

DOWD & DOWD, LTD.

By:



Attorneys for the defendants